

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190
August 31, 2000

2000 SEP -5 P 12: 23

Certified Mail No.: 7099 3220 0008 0355 9244
Return Receipt Requested

RE: Catlettsburg Refining LLC
Catlettsburg, Boyd County
KYD 041 376 138
DWM 00036

DEMAND FOR REMEDIAL MEASURES AND CIVIL PENALTY

Catlettsburg Refining LLC
Attn.: Mr. Mark Perry
P.O. Box 1492
Catlettsburg, Kentucky 41129

Dear Mr. Perry:

The Division of Waste Management (hereinafter the "Division") has determined that Catlettsburg Refining LLC is in violation of Kentucky's waste management statutes and regulations. Catlettsburg Refining was issued a Notice of Violation on June 5, 2000, as a result of an inspection conducted on May 18 and 19, 2000 by Division representatives. A summary of the violations is as follows:

1. **KRS 224.01-400:** Failure to report a release;
2. **401 KAR 35:030 (2):** Failure to prevent a release;
3. **401 KAR 35:180 (5):** Failure to conduct weekly inspections of the bundle pad accumulation area;
4. **401 KAR 35:180 (4)1:** Failure to keep containers of hazardous waste closed except when adding or removing hazardous waste;
5. **401 KAR 35:180 (2):** Failure to maintain container holding hazardous waste in good condition;
6. **401 KAR 32:030 (5)1(b):** Failure to mark containers with the accumulation beginning date;
7. **401 KAR 32:030 (5)1(c):** Failure to label containers of hazardous waste as "Hazardous Waste";
8. **401 KAR 32:030 (5)1:** Exceeding ninety (90) day accumulation time for storage of containers of hazardous waste;



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9. **401 KAR 35:020 (7):** Failure to conduct annual hazardous waste training within 365 days;
10. **401 KAR 44:020 (3)4:** Failure to clean up and manage properly the released used oil; and
11. **401 KAR 43:030 (6):** Exceeding the one (1) year accumulation time period for universal waste.

REMEDIAL MEASURES

Catlettsburg Refining shall complete the following remedial measures to resolve the outstanding violation:

1. Within twenty (20) days of receipt of this letter, conduct soil sampling of the following areas: The gravel lot at the filter press conveyor and soil around Tank 108;
2. Within twenty (20) days after conducting the sampling stated in above paragraph 1, submit those sampling results to: Manager, Enforcement Branch, Division of Waste Management, 14 Reilly Road, Frankfort, Kentucky 40601;
3. In the event the sampling results stated in above paragraph 2 indicate contamination, within sixty (60) days of receipt of this letter, pursuant to KRS 224.01-400, Catlettsburg shall submit a Site Remediation Plan to the Division at the address stated in paragraph 2, for review and approval for clean up of the areas specified in above paragraph 1;
4. The Division will review and comment in writing on the Site Remediation Plan;
5. Within ten (10) days of Division approval of the plan stated in above paragraph 3, Catlettsburg shall implement the Site Remediation Plan as approved by the Division;
6. Immediately begin weekly inspections in the bundle pad cleaning area where containers are stored to insure containers are not leaking, corroding, and/or deteriorating;
7. Immediately close all hazardous waste containers except when adding or removing waste;

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The penalty shall be transmitted by certified check, cashier's check, or money order payable to "*Kentucky State Treasurer*" and mailed to:

Manager, Enforcement Branch
Division of Waste Management
14 Reilly Road
Frankfort, Kentucky 40601

Please reference the above DWM number on method of payment to ensure proper credit.

If you have any questions, you may contact Pam Burris of this Division at (502) 564-6716, extension 209.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. H. Daniell', written in a cursive style.

Robert H. Daniell, Director
Division of Waste Management

RHD:pb

cc: Morehead Regional Office
Hazardous Waste Branch
Pam Burris, Enforcement Branch
File